## DISTRICT COURT OF THE UNITED STATES WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:15-cv-284-FDW

BRIAN K. LEWIS, ET AL.,	)
Plaintiffs,	)
vs.	) )
NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY, ET AL.,	ORDER )
Defendants.	) ) )

**THIS MATTER** is before the Court on consideration of Plaintiffs' Motion to Demand Service of Process, (Doc. No. 37), and Motion for Preliminary Injunction that is incorporated in the Amended Complaint, (Doc. No. 12 at 53-55).

Plaintiffs' Motion to Demand Service of Process is denied as premature because the Amended Complaint has not yet passed initial review.

The Amended Complaint incorporates a motion for preliminary injunctive relief in which Plaintiffs raise serious matters which potentially impact their immediate safety and well-being. Plaintiffs are committed in the custody of the North Carolina Department of Public Safety, which remains responsible for their ultimate safety.

## IT IS, THEREFORE, ORDERED that:

- 1. Plaintiffs' Motion to Demand Service of Process, (Doc. No. 37), is DENIED as premature.
- 2. The Clerk of Court is respectfully directed to provide copies of this Order and the Amended Complaint, (Doc. No. 12), to the North Carolina Office of the Attorney

General, Civil Division.

- 3. Counsel shall show cause within 21 days of this Order why injunctive relief should not be granted in Plaintiffs' favor.
- 4. Counsel's Response shall include affidavits or declarations under oath from appropriate staff as well as verified records in support of those statements.
- 5. Response to this Order shall not constitute service or waiver of any defense on behalf of the parties names in Plaintiffs' pleading

Signed: September 29, 2017

Frank D. Whitney

Chief United States District Judge